

REMARKS

Claims 17-20 and 36-42 are now pending in this application. Claims 17 and 36 have been amended to further clarify the invention. New claims 42 and 43 are presented. No new matter has been added.

Claims 17-20 and 36-42 stand rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,059,760 to Sandmore, et al. (“Sandmore”).

Claims 17-20, as amended, now recite a catheter having an elongated tubular structure, where the tubular structure has a distal end that includes, on a tip section, an elastic restrictor that, when operable, changes in size in response to a change in fluid flow through the tubular structure to provide a variable amount of fluid force restriction. The distal end further includes a plurality of openings arranged such that forces resulting from flow out of said openings and out of said elastic restrictor are substantially balanced during performance of said medical procedure. Sandmore, directed to a cannula having a reverse flow tip, does not teach or suggest all of these claim elements. Although Sandmore discloses fluid outlets 100 formed in a side wall 102 of tip 45' (*see* Sandmore at 7:34-8:2 and Figs. 12-14), Sandmore neither teaches nor suggests the elastic restrictor recited in claims 17-20.

In fact, Applicant urges, Sandmore teaches away from the claimed elastic restrictor. Sandmore states that tip 45' has a substantially closed distal end 104 that prevents fluid from exiting therethrough (such distal end may only include a tiny aperture to prevent air from becoming entrapped in the distal end). Sandmore at 7:37-39; 8:32-36. This feature is designed to redirect fluid reaching the distal end toward the proximal end so that it can exit via fluid outlets 100. *Id.* at 8:29-37. Fluid outlets 100 are configured to reverse the flow of fluid exiting the second sub-cannula 16'. *Id.* at 7:42-45. There is no balancing of fluid forces between

an elastic restrictor that changes size in response to fluid flow and any side openings, and no suggestion of any such arrangement.

Applicants note that in the Office Action (at page 3) index numbers 138 and 100 were cited as reading on the recited “small opening with elastic restrictor.” Index number 100 in Sandmore refers to the fluid outlets on the side of the cannula, and index number 138 does not exist. Sandmore does not disclose the claimed elastic restrictor, as noted above.

As a result, Applicant submits that Sandmore neither teaches or suggests all of the elements of claims 17-20, as amended, and, for at least the reasons argued above, respectfully requests consideration and allowance of these claims.

Claims 36-42, as amended, recite a catheter assembly having a distal tip section that includes an elastic restrictor that, when operable, changes in size in response to a change in fluid flow through said catheter assembly to provide a variable amount of fluid force restriction, such that forces resulting from fluid flow out of openings in a stem section of the catheter assembly and out of said elastic restrictor are substantially balanced. For reasons similar to those argued above in connection with claims 17-20, Applicant does not believe that Sandmore either teaches or suggests all of the elements of claims 36-42. As a result, for at least these reasons, Applicant respectfully requests consideration and allowance of these claims, as amended.

As noted above, Applicant has added new dependent claims 43 and 44. These claims do not introduce new matter, and are fully supported by the original disclosure.

Early passage to issue is respectfully requested. If there are any unresolved issues regarding Applicant’s response, Applicants respectfully request a telephonic conference

between the Examiner and Applicant's attorneys named below in an effort to expedite the examination of this application.

Respectfully submitted,



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